REMARKS

Claims 1-8 have been cancelled. Claim 9 has been amended. Claims 9-13 are pending in this application. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Objections to the Specification

The Examiner objected to the abstract due to its length. Applicants have amended the abstract. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 9-13 under 35 U.S.C. § 102(b) as being anticipated by Wohlstadter et al. (U.S. Patent No. 6,207,369). Applicants have amended claim 9 to correct a typographic error, without affecting claim scope. Applicants respectfully traverse this rejection.

Claim 9 reads, in part, "[a] method for detecting DNA, comprising: preparing a chip for detecting DNA, wherein a double strand formed by hybridization of signaling DNA and probe DNA is fixed to electrodes." In the Wohlstadter process, the electrode is prepared by fixing probe DNA to the electrode. (Col. 89, line 42). No signal DNA is fixed to the electrode during the preparation of the electrode. In contrast, claim 9 requires that the electrode is prepared by fixing "a double strand formed by hybridization of signaling DNA and probe DNA." Wohlstadter therefore does not disclose the "preparing" step of claim 9.

The Examiner seems to recognize this fact, only noting that Wohlstadter discloses "probe DNA fixed to electrodes." (Office Action at p. 3). The Examiner later states that "the probe DNA hybridizes to signaling DNA." (*Id.*). However, this occurs during the assay/reaction step of Wohlstadter process, not during the preparation step. (Col. 89, ll. 49-61). As a result, Wohlstadter does not disclose "preparing" a chip by fixing a probe/signal DNA double strand to an electrode, as "preparing a chip for detecting DNA" necessarily implies an action taken before the competitive reaction, not during the competitive reaction.

Claim 9 further requires "detecting amount and type of the target DNA my measuring a change of the electrochemical signal of the signaling DNA before and after the competitive reaction." Wohlstadter only measures the electroluminescence after the assay/reaction, and compares it to "binding domains for internal standards included in the sample solution." (Col.

89, ll. 58-61). Therefore, Wohlstadter does not measure a "change of the electrochemical signal … before and after the competitive reaction" at all, but rather only measures electrochemical signals after the competitive reaction.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 9. Claims 10-13 are believed allowable for at least the same reasons as presented above with respect to claim 9 by virtue of their depended from claim 9.

Notice Regarding Nucleic Acid Sequence Rules

Please see the Response to Notification to Comply with Nucleic Acid Sequence Rules filed herewith.

Conclusion

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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